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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बृहस्पतिवार, 17 नवम्बर, 1960/26 कार्तिक, 1882

HIMACHAL PRADESH ADMINISTRATION

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-4, the 1st November, 1960/10th Kartika, 1882

No. LSG. 18-92/59-II.—The Territorial Councils (Consultation with Union Public Service Commission) Rules, 1960, which have been published by the Government of India in Part II, Section 3(i) of the Gazette of India, dated the 22nd October, 1960, are hereby republished in the Himachal Pradesh Extraordinary Gazette for general information.

By order.
K. B. SRIVASTAVA,
Secretary.

Copy of Notification No. Nil, dated 19-10-1960, from the Government of India, Ministry of Home Affairs.

G.S.R.—In exercise of the powers conferred by section 54 read with the proviso to sub-section (5) of section 32 of the Territorial Councils Act, 1956 (103 of 1956), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 54 of the said Act, namely:—

THE TERRITORIAL COUNCILS (CONSULTATION WITH UNION PUBLIC SERVICE COMMISSION) RULES 1960.

1. Short title and commencement.—(1) These rules may be called the Territorial Councils (Consultation with Union Public Service Commission) Rules, 1960.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) 'Commission' means the Union Public Service Commission;

(b) 'Council' means a Territorial Council constituted under Territorial Councils Act, 1956 (103 of 1956).

3. Appointments to posts, the minimum monthly salary (exclusive of allowances) of which is Rs. 300 or more, may be made by the following methods:—

(i) by promotion in accordance with rule 5;

(ii) by transfer or deputation from the civil service of the Union or of a State in accordance with rule 6;

(iii) by selection in accordance with rule 7.

4. (1) The method of recruitment to each such post under the Council shall be decided by the Council in consultation with the Commission.

(2) Where appointment to any such post is to be made by promotion, the Council shall, in consultation with the Commission, specify the posts, the holders of which shall be eligible for promotion; the Council shall also decide in consultation with the Commission whether promotion shall be by seniority, subject to the rejection of the unfit, or whether it shall be by selection according to merit.

5. Appointment by Promotion.—(1) Where promotion is to be made by seniority, a list of officers eligible for promotion shall be compiled by the Council and arranged in order of seniority. Such list shall be forwarded to the commission together with the reasons for the supersession of any officer, if the Council considers such supersession justified.

(2) The Commission shall, after considering the views of the Council and the record of service of officers, make such recommendations as the Commission may consider appropriate.

(3) Where promotion is to be made by selection, a Departmental Promotion Committee shall be constituted in consultation with the Commission, consisting of the Chairman or other Member of the Commission, who shall be the Chairman of the Committee. The recommendations of the Departmental Promotion Committee shall be forwarded to the Commission who, after considering them, shall communicate its advice to the Council.

6. Recruitment by transfer or deputation.—Recruitment by transfer or deputation shall be made by the Council in consultation with the Commission and in accordance with such procedure as may be advised by the Commission.

7. *Recruitment by selection.*—(1) Where it is proposed to make appointments to a post by selection, the Council shall send a requisition to the Secretary of the Commission in such form as may be prescribed by the Commission.

(2) The requisition shall contain full particulars of posts, including information regarding the pay scale; whether the post is permanent or temporary; if temporary, whether the post is likely to continue indefinitely or for a limited term; the lower and upper age limits; the period of probation if any; the qualifications required and the duties of the post.

(3) If the Commission considers that the qualifications and the age-limits are not appropriate the Commission shall advise the Council as to the amendments to be made in regard to these matters.

(4) Ordinarily the Commission shall advertise the vacancies in such manner as the Commission may deem fit. The Commission may, however, in suitable cases adopt such other method of contacting candidates for the posts as it may consider necessary or appropriate. A candidate for admission to the selection must apply before such date and in such form as may be prescribed by the Commission.

(5) A candidate must be—

(i) a citizen of India; or

(ii) a subject of Sikkim, or

(iii) a person of Indian origin who has migrated from areas which now form Pakistan with the intention of permanently settling down in India, or

(iv) a subject of Nepal or of a Portuguese possession in India or of the State of Pondicherry.

(6) The appointment of a candidate falling in category (iii) or (iv) of sub-rule (5) shall be subject to the issue of a certificate of eligibility in his favour by the Government of India. Certificates of eligibility shall not however be necessary in the case of candidates belonging to any of the following categories:—

(i) Persons who migrated to India from Pakistan before 19th July, 1948 and have ordinarily been resident in India since then.

(ii) Persons who migrated to India from Pakistan after 18th July, 1948, but before 30th September, 1948 and got themselves registered as citizens within the time allowed.

(iii) Non-citizens who entered service under the Government of India before the commencement of the Constitution, viz., 26th January, 1950, and who have continued in such service since then. Any such persons who re-entered, or may re-enter such service with a break after the 26th January, 1950 will, however, require certificates of eligibility in the usual way:

Provided that a candidate in whose case a certificate of eligibility is necessary may nevertheless be interviewed and also provisionally appointed, subject to the necessary certificate being eventually issued in his favour by the Government of India.

(7) A candidate shall fulfil the age-limits prescribed:

Provided that—

(a) the upper age limit prescribed shall be relaxable up to a maximum of five years if a candidate belongs to a scheduled caste or a scheduled tribe;

(b) candidates who are *bona fide* displaced persons from Pakistan shall be allowed the age concessions, if any, which the Government of India.

may sanction from time to time;

(c) the Commission may relax the age limits up to three years in exceptional circumstances.

(8) A candidate must possess such qualifications as may be prescribed.

(9) A candidate must satisfy the Commission and the appointing authority that his character and antecedents are such as to make him suitable for appointment under the Council.

(10) The decision of the Commission on the question whether a candidate does, or does not, satisfy requirements of sub-rule (5), (6), (7), (8) or (9) shall be final.

(11) The Commission may, in exceptional circumstances, relax all or any of the requirements of sub-rules (5) to (8) if the Commission considers it to be in the public interest to do so.

(12) A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the Council. A candidate who (after such physical examination as the Council may prescribe) is found not to satisfy those requirements shall not be appointed.

(13) A candidate, must at the time of application, pay such fee as the Commission may from time to time prescribe and candidates must submit such proofs of their age and qualifications as the Commission may require.

(14) The particulars of all the candidates together with the comments of the Commission as respects those who are considered by the Commission suitable for being called for interview shall be sent to the Council for comments, if any. The comments of the Council shall be taken into consideration in finalising the preliminary selection of the candidates for interview. The Commission shall invite the Council to send a representative to sit on the Selection Board, should the Commission decide to do so.

(15) The recommendations of the Commission shall be sent to the Council who shall intimate to the Commission the result thereof.

8. In case of any difference of opinion between the Council and the Commission, the Council shall take steps to send a communication to the Commission setting out the points on which the Council differs from the recommendations of the Commission and the grounds on which such difference is based. These shall be considered by the Commission and its advice communicated to the Council. In case difference of opinion still persists, the matter shall be referred by the Council to the Government of India for decision and the decision of that Government thereon shall be final.

9. *Channel of correspondence with the Commission.*—Ordinarily all correspondence involving appointment to a post under the Council, the minimum monthly salary (exclusive of allowances) of which is Rs. 300 per month or more, except in the case of appointment to the post of Chief Executive Officer, shall be conducted by the Chief Executive Officer on behalf of the Council. The Administrator shall correspond with the Commission in regard to the appointment to the post of Chief Executive Officer.